

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DOMINIC (AKA DIAMOND) VARGAS,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

Case No.: 1:20-cv-00083-JLT-CDB (PC)

**ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED
FOR FAILURE TO COMPLY WITH THE
COURT'S ORDER**

14-DAY DEADLINE

On December 6, 2023, the Court issued an order finding service of Plaintiff's complaint appropriate and directing e-service on Defendants. (Doc. 36.) The Court directed the California Department of Corrections and Rehabilitation (CDCR), within 40 days, to file a "CDCR Notice of E-Service Waiver," advising if the defendants waive service of process without need for personal service by the United States Marshal." *Id.* at 2-3. The Court also directed CDCR to file a waiver of service within 30 days thereafter for all Defendants who waive service. *Id.* at 3.

On January 10, 2024, CDCR timely filed the required Notice of E-Service Waiver on behalf of all six Defendants. (Doc. 40.) Thereafter, counsel for Defendants filed a "Waiver of Service of Summons" for only five of the six Defendants (*e.g.*, not including Defendant Robert Mitchell). (Doc. 41.) Although more than 30 days have passed since the filing of the Notice of E-Service Waiver, Defendant Mitchell has not made filed a waiver of service.

1 Accordingly, CDCR shall show cause, within 14 days, why sanctions should not be
2 imposed for Defendant Mitchell's failure to comply with the Court's order. The Court directs the
3 Clerk of the Court to serve this order via email on CDCR and Supervising Deputy Attorney
4 General Lawrence Bragg.

5 IT IS SO ORDERED.

6 Dated: February 12, 2024


UNITED STATES MAGISTRATE JUDGE